

**LODI CITY COUNCIL
REGULAR CITY COUNCIL MEETING
CARNEGIE FORUM, 305 WEST PINE STREET
WEDNESDAY, JUNE 6, 2007**

C-1 CALL TO ORDER / ROLL CALL

The City Council Closed Session meeting of June 6, 2007, was called to order by Mayor Johnson at 6:33 p.m.

Present: Council Members – Hansen, Hitchcock, Katzakian [excluding C-2 (a) and C-2 (b)],
Mounce, and Mayor Johnson

Absent: Council Members – None

Also Present: Deputy City Manager Krueger, City Attorney Schwabauer, and City Clerk Johl

C-2 ANNOUNCEMENT OF CLOSED SESSION

- a) Actual Litigation: Government Code §54956.9(a); One Case; *People of the State of California; and the City of Lodi, California v. M & P Investments, et al.*, United States District Court, Eastern District of California, Case No. CIV-S-00-2441 FCD JFM
- b) Actual Litigation: Government Code §54956.9(a); One Case; *Hartford Accident and Indemnity Company, et al. v. City of Lodi, et al.*, Superior Court, County of San Francisco, Case No. 323658
- c) Conference with Blair King, City Manager, and Jim Krueger, Deputy City Manager (Acting Labor Negotiators), Regarding Professional Firefighters and Fire Mid-Managers Pursuant to Government Code §54957.6

C-3 ADJOURN TO CLOSED SESSION

At 6:33 p.m., Mayor Johnson adjourned the meeting to a Closed Session to discuss the above matters.

The Closed Session adjourned at 6:57 p.m.

C-4 RETURN TO OPEN SESSION / DISCLOSURE OF ACTION

At 7:04 p.m., Mayor Johnson reconvened the City Council meeting, and City Attorney Schwabauer disclosed the following actions.

Items C-2 (a) and C-2 (b) were settlement discussion only, and Item C-2 (c) was not discussed.

A. CALL TO ORDER / ROLL CALL

The Regular City Council meeting of June 6, 2007, was called to order by Mayor Johnson at 7:04 p.m.

Present: Council Members – Hansen, Hitchcock, Katzakian, Mounce, and Mayor Johnson

Absent: Council Members – None

Also Present: Deputy City Manager Krueger, City Attorney Schwabauer, and City Clerk Johl

B. INVOCATION

The invocation was given by Pastor Scott Hubbard, Crossroads Community Church.

C. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Mayor Johnson.

D. AWARDS / PROCLAMATIONS / PRESENTATIONS

D-1 Awards – None

D-2 (a) Mayor Johnson presented a proclamation to Lead Equipment Mechanic Levi Regadanz proclaiming the week of June 11 – 17, 2007, as “National Automotive Service Professionals Week” in the City of Lodi.

D-2 (b) Mayor Johnson presented a proclamation to U.S. Army Staff Sergeants Timothy Templeton and Richard McDaniel proclaiming the week of June 11 – 17, 2007, as “United States Army Week” in the City of Lodi.

D-3 Presentations – None

E. CONSENT CALENDAR

In accordance with the report and recommendation of the City Manager, Council, on motion of Council Member Hitchcock, Mounce second, unanimously approved the following items hereinafter set forth **except those otherwise noted**:

E-1 Claims were approved in the amount of \$4,030,937.74.

E-2 “Approve Minutes of May 15, 2007 (Shirtsleeve Session), May 16, 2007 (Regular Meeting), May 22, 2007 (Shirtsleeve Session), and May 29, 2007 (Shirtsleeve Session)” was **removed from the Consent Calendar and discussed and acted upon following approval of the Consent Calendar.**

E-3 Approved the plans and specifications and authorized advertisement for bids for restroom replacement improvements at Henry Graves Park, 2206 Oxford Way, and Beckman Park, 1426 Century Boulevard.

E-4 “Approve Specifications and Authorize Advertisement for Bids for Citywide School Safety Signage at Public and Private Schools” was **removed from the Consent Calendar and discussed and acted upon following approval of the Consent Calendar.**

E-5 Approved the request for proposals for the City of Lodi Short-Range Transit Plan.

E-6 Approved the request for proposals and authorized advertisement for final design and construction of Municipal Service Center Transit Vehicle Maintenance Facility.

E-7 “Adopt Resolution Authorizing the Disposition of Fire Department Surplus Self-Contained Breathing Apparatus for Distribution to Other Agencies” was **removed from the Consent Calendar and discussed and acted upon following approval of the Consent Calendar.**

E-8 Adopted Resolution No. 2007-95 awarding the purchase of wood utility poles to North Pacific Group, Inc., of Portland, Oregon, in the amount of \$27,156.23.

E-9 Adopted Resolution No. 2007-96 awarding the purchase of 76,500 feet of #477MCM bare aluminum conductor to Nexans HD Supply, of Portland, Oregon, in the amount of \$75,834.45.

E-10 Adopted Resolution No. 2007-97 awarding the purchase of 15kV Class indoor switchgear for the Killelea Substation Rehabilitation Project to Siemens Power T&D, c/o Honn Co., Inc., of Vacaville, California, in the amount of \$699,297.50.

E-11 Adopted Resolution No. 2007-98 awarding the contract for construction of the Killelea Substation Rehabilitation Project to Rosendin Electric, Inc., of San Jose, California, in the amount of \$2,921,801.

E-12 Adopted Resolution No. 2007-99 awarding the concession operations at Lodi Lake Park to Hot Diggity Dog, of Lodi, California, for the period of June 9, 2007 to December 31, 2009.

- E-13 Adopted Resolution No. 2007-100 awarding the contract for Maintenance of the Lodi Consolidated Landscape Maintenance Assessment District 2003-1 for Fiscal Year 2007-08 to Sunworld, of Sacramento, in the amount of \$24,446.
- E-14 Accepted the improvements under the "Well 27 Well Drilling at 2360 West Century Boulevard (DeBenedetti Park)" contract.
- E-15 Accepted the improvements under the "Standby Generator at Well 22" contract.
- E-16 Approved the Improvement Agreement for Public Improvements at 350 North Guild Avenue and directed the City Manager and City Clerk to execute the agreement on behalf of the City.
- E-17 "Adopt Resolution Approving a One-Year Extension of the Street Tree Trimming 2007 Contract with West Coast Arborists, Inc., of Stockton (\$34,220)" was **removed from the Consent Calendar and discussed and acted upon following approval of the Consent Calendar.**
- E-18 "Adopt Resolution Authorizing the City Manager to Extend the Contract with Trees, Inc., of Houston, Texas, for Tree Trimming for Power Line Clearance (\$420,000)" was **removed from the Consent Calendar and discussed and acted upon following approval of the Consent Calendar.**
- E-19 "Adopt Resolution Approving a Second One-Year Extension of the 2005-06 Annual Curb, Gutter, and Sidewalk Replacement Contract with Jeff Case Construction Company, of Lodi, for the 2007-08 Fiscal Year with a Three Percent Increase (\$73,336)" was **removed from the Consent Calendar and discussed and acted upon following approval of the Consent Calendar.**
- E-20 Adopted Resolution No. 2007-102 authorizing the City Manager to execute a professional services agreement with MIG, Inc., of Berkeley, for Lodi Avenue Design Guidelines/Preliminary Design; and appropriating \$80,000 for the project.
- E-21 "Adopt Resolution Approving a One-Year Extension of Lease of Maple Square, 2 East Lodi Avenue, for the Period of July 1, 2007 to June 30, 2008, to Alcoholics Anonymous" was **removed from the Consent Calendar and discussed and acted upon following approval of the Consent Calendar.**
- E-22 Adopted Resolution No. 2007-103 approving the Letter of Agency designating Northern California Power Agency as Lodi's agent for Congestion Revenue Rights and authorizing the Electric Utility Director to execute and administer the Letter of Agency.
- E-23 Adopted Resolution No. 2007-104 authorizing Change Order No. 1 to Public Works 800 MHz Radio Transmission Service contract with La Rue Communications, Inc., of Stockton, for transit radio service in the amount of \$20,000 over the three-year term.
- E-24 "Adopt Resolution Approving In-Street Pedestrian Crossing Signs at Marked School Crosswalk on Crescent Avenue at Tamarack Drive in Front of Nichols Elementary School with Funds Provided by Nichols School Parent Teacher Association" was **removed from the Consent Calendar and discussed and acted upon following approval of the Consent Calendar.**
- E-25 Canceled the July 4, 2007, Regular City Council Meeting.
- E-26 Adopted Resolution No. 2007-105 approving 3% cost of living increases for Confidential employees.
- E-27 Adopted Resolution No. 2007-106 for preliminary approval of the Engineer's Annual Levy Report and adopted Resolution No. 2007-107 declaring intention for the levy and collection of assessment for the Lodi Consolidated Landscape Maintenance Assessment District No. 2003-1; and set public hearing for July 18, 2007.

ACTION ON ITEMS REMOVED FROM THE CONSENT CALENDAR

- E-2 “Approve Minutes of May 15, 2007 (Shirtsleeve Session), May 16, 2007 (Regular Meeting), May 22, 2007 (Shirtsleeve Session), and May 29, 2007 (Shirtsleeve Session)”

This item was pulled for further discussion by Mayor Pro Tempore Mounce.

MOTION:

Mayor Pro Tempore Mounce made a motion, Hitchcock second, to adopt revised May 16, 2007, minutes to include summarized comments by Mayor Pro Tempore Mounce regarding making PG&E rate discount per pad adjustments on an annual or biannual basis and support for upper management increases conditioned upon rank and file increases.

DISCUSSION:

In response to Council Member Hansen, Mayor Pro Tempore Mounce stated she is recommending amending the minutes to include what she previously said.

In response to Mayor Johnson, Mayor Pro Tempore Mounce stated she is recommending including a summary statement of her comments.

VOTE:

The above motion carried by the following vote:

Ayes: Council Members – Hitchcock, Hansen, Katzakian, and Mounce

Noes: Council Members – Mayor Johnson

Absent: Council Members – None

- E-4 “Approve Specifications and Authorize Advertisement for Bids for Citywide School Safety Signage at Public and Private Schools”

This item was pulled for further discussion by Council Member Hansen.

In response to Council Member Hansen, Mr. Prima stated sign placement will occur at every school that has a speed zone. Mr. Prima reviewed the diagram for sign placement, stating that, while there are federal and state requirements, the crosswalk signs are optional and have been added to the traffic manual.

Council Member Hansen suggested staff take a look at the new signs along Highway 12 toward Solano County to see if they may be feasible for school zones.

MOTION / VOTE:

The City Council, on motion of Council Member Hansen, Mounce second, unanimously approved the specifications and authorized advertisement for bids for Citywide School Safety Signage at Public and Private Schools.

- E-7 “Adopt Resolution Authorizing the Disposition of Fire Department Surplus Self-Contained Breathing Apparatus for Distribution to Other Agencies”

This item was pulled for further discussion by Council Member Hitchcock.

In response to Council Member Hitchcock, Fire Chief Pretz stated the liability is limited because the equipment is used for training purposes, not actually firefighting, which is specified in the agreement. City Attorney Schwabauer stated he is comfortable with the liability, subject to a release provision in the agreement.

MOTION / VOTE:

The City Council, on motion of Council Member Hitchcock, Mounce second, unanimously adopted Resolution No. 2007-108 authorizing the disposition of Fire Department surplus self-contained breathing apparatus for distribution to other agencies, subject to the agencies signing of a liability waiver in a form acceptable to the City Attorney.

- E-17 "Adopt Resolution Approving a One-Year Extension of the Street Tree Trimming 2007 Contract with West Coast Arborists, Inc., of Stockton (\$34,220)"

This item was pulled for further discussion by Mayor Pro Tempore Mounce.

In response to Mayor Pro Tempore Mounce, Mr. Prima stated trimming does not occur on private property.

In response to Mayor Johnson, Mr. Prima stated power line trimming is different than general tree trimming, requiring expertise because strict regulations apply and different equipment is used.

MOTION / VOTE:

The City Council, on motion of Mayor Pro Tempore Mounce, Hansen second, unanimously adopted Resolution No. 2007-109 approving a one-year extension of the street Tree Trimming 2007 contract with West Coast Arborists, Inc., of Stockton, in the amount of \$34,220.

- E-18 "Adopt Resolution Authorizing the City Manager to Extend the Contract with Trees, Inc., of Houston, Texas, for Tree Trimming for Power Line Clearance (\$420,000)"

This item was pulled for further discussion by Mayor Pro Tempore Mounce.

In response to Mayor Pro Tempore Mounce, Electric Utility Director Morrow stated the standard noticing procedures include making contact, door hangars, and sometimes special permissions. Mr. Morrow indicated staff will look into the situation with the private contractor.

MOTION / VOTE:

The City Council, on motion of Mayor Pro Tempore Mounce, Hansen second, unanimously adopted Resolution No. 2007-101 authorizing the City Manager to extend the contract with Trees, Inc., of Houston, Texas, for tree trimming for power line clearance in the amount of \$420,000 and, with continued satisfactory performance, for fiscal year 2008-09.

- E-19 "Adopt Resolution Approving a Second One-Year Extension of the 2005-06 Annual Curb, Gutter, and Sidewalk Replacement Contract with Jeff Case Construction Company, of Lodi, for the 2007-08 Fiscal Year with a Three Percent Increase (\$73,336)"

This item was pulled for further discussion by Council Member Hitchcock.

In response to Council Member Hitchcock, Mr. Prima stated there is no specific policy regarding how long a contract can exist after the terms have been exhausted before the contract goes out to bid again. Mr. Krueger stated there is no policy regarding going beyond the terms of the contract; although, considerations may be low staffing levels in the purchasing division, the department's satisfaction with the contractor, and the cost adjustment appears reasonable.

MOTION / VOTE:

The City Council, on motion of Council Member Hitchcock, Johnson second, unanimously adopted Resolution No. 2007-110 approving a second one-year extension of the 2005-06 Annual Curb, Gutter, and Sidewalk Replacement contract with Jeff Case Construction Company, of Lodi, for the 2007-08 fiscal year with a 3% increase in the amount of \$73,336.

- E-21 "Adopt Resolution Approving a One-Year Extension of Lease of Maple Square, 2 East Lodi Avenue, for the Period of July 1, 2007 to June 30, 2008, to Alcoholics Anonymous"

This item was pulled for further discussion by Mayor Pro Tempore Mounce.

Mayor Pro Tempore Mounce thanked Alcoholics Anonymous for its continued service and leasing of the property.

Mayor Johnson stated he cannot support the item because he has been approached by other noteworthy organizations and believes the lease should be periodically reviewed. Council Members Hitchcock and Hansen suggested a policy and that a review of the lease at the end of the contract may be appropriate.

MOTION / VOTE:

The City Council, on motion of Mayor Pro Tempore Mounce, Hitchcock second, adopted Resolution No. 2007-111 approving a one-year extension of lease of Maple Square, 2 East Lodi Avenue, for the period of July 1, 2007 to June 30, 2008, to Alcoholics Anonymous. The motion carried by the following vote:

Ayes: Council Members – Hitchcock, Hansen, Katzakian, and Mounce

Noes: Council Members – Mayor Johnson

Absent: Council Members – None

- E-24 “Adopt Resolution Approving In-Street Pedestrian Crossing Signs at Marked School Crosswalk on Crescent Avenue at Tamarack Drive in Front of Nichols Elementary School with Funds Provided by Nichols School Parent Teacher Association”

This item was pulled for further discussion by Council Member Hitchcock.

Council Member Hitchcock thanked the parents of Nichols School for their efforts.

MOTION / VOTE:

The City Council, on motion of Council Member Hitchcock, Johnson second, unanimously adopted Resolution No. 2007-112 approving in-street pedestrian crossing signs at marked school crosswalk on Crescent Avenue at Tamarack Drive in front of Nichols Elementary School with funds provided by Nichols School Parent Teacher Association.

F. COMMENTS BY THE PUBLIC ON NON-AGENDA ITEMS

None.

G. COMMENTS BY CITY COUNCIL MEMBERS ON NON-AGENDA ITEMS

- Mayor Pro Tempore Mounce suggested researching cellular phone availability for seniors as illustrated in the program documentation provided by Myrna Wetzel.
- Council Member Hitchcock reported on her attendance at the Art on the Square event and congratulated staff on a successful event.
- Council Member Hansen reported on his attendance at the Affordable Housing Proposal Review Committee meeting, during which a site visit was conducted of Fremont and Union City projects.
- Mayor Johnson suggested the pool heater at Blakely Park be agendized for the next meeting. Mr. Krueger confirmed that the matter was scheduled for the June 20 meeting.

H. COMMENTS BY THE CITY MANAGER ON NON-AGENDA ITEMS

- Deputy City Manager Krueger and Community Development Director Hatch introduced the new Building Official, Dennis Canright.

I. PUBLIC HEARINGS

- I-1 Notice thereof having been published according to law, an affidavit of which publication is on file in the office of the City Clerk, Mayor Johnson called for the public hearing to consider adopting a resolution adjusting Consumer Price Index-based water and wastewater rates. Public Works Director Prima provided an overview of the 3.44% across the board increase and the history of increases for water and wastewater rates from 1991 to 2007.

In response to Mayor Pro Tempore Mounce, Mr. Prima stated the Council policy regarding water meter installations stated that property owners pay the cost of the installations, whatever they may be. Mr. Prima stated that the monthly infrastructure charge would not necessarily go down because that charge pays for a variety of services including various upgrades.

In response to Council Member Hitchcock, Mr. Prima stated the increase for a typical three-bedroom home is \$0.94. He stated the new rates are \$20.75 base rate and \$7.54 infrastructure rate.

Hearing Opened to the Public

None.

Public Portion of Hearing Closed

MOTION / VOTE:

The City Council, on motion of Council Member Hansen, Hitchcock second, adopted Resolution No. 2007-113 adjusting the Consumer Price Index-based water and wastewater rates. The motion carried by the following vote:

Ayes: Council Members – Hitchcock, Hansen, Katzakian, and Mayor Johnson

Noes: Council Members – Mounce

Absent: Council Members – None

J. COMMUNICATIONS

- J-1 Claims Filed Against the City of Lodi – None

- J-2 (a) “Appointments to the Lodi Arts Commission, Library Board of Trustees, and Planning Commission and Post for One Remaining Vacancy on the Lodi Arts Commission”

Council Member Hitchcock requested separate motions on the appointments. She also stated she had concerns regarding the appointment of two new Planning Commission members in the middle of the General Plan amendment and the loss of institutional knowledge.

Mayor Pro Tempore Mounce stated she echoed the comments of Council Member Hitchcock and was concerned about diversity on the Planning Commission.

MOTION #1 / VOTE:

The City Council, on motion of Council Member Hitchcock, Mounce second, unanimously made the following appointments:

Lodi Arts Commission

Laura Heinitz	Term to expire July 1, 2010
Margie Lawson	Term to expire July 1, 2010
Beverly Norcross	Term to expire July 1, 2010

MOTION #2 / VOTE:

The City Council, on motion of Council Member Hansen, Mounce second, unanimously made the following appointments:

Library Board of Trustees

George Neely Term to expire June 30, 2010

MOTION #3 / VOTE:

The City Council, on motion of Mayor Johnson, Hansen second, made the following appointments by the vote shown below:

Ayes: Council Members – Hansen, Katzakian, and Mayor Johnson

Noes: Council Members – Hitchcock and Mounce

Absent: Council Members – None

Planning Commission

Dave Kirsten Term to expire June 30, 2011

Steve Hennecke Term to expire June 30, 2011

MOTION #4 / VOTE:

The City Council, on motion of Council Member Hansen, Johnson second, unanimously directed the City Clerk to post for the following remaining vacancy on the Lodi Arts Commission:

Lodi Arts Commission

One Vacancy Term to expire July 1, 2008

J-3 Miscellaneous – None

RECESS

At 8:14 p.m., Mayor Johnson called for a recess, and the City Council meeting reconvened at 8:23 p.m.

K. REGULAR CALENDAR

K-1 "Presentation of Lodi Campus Master Plan by San Joaquin Delta College and Consider Negotiation of a Development Agreement"

Delta College Board President Maria Elena Serna provided general introductory remarks regarding the vision of the proposed project.

A PowerPoint presentation discussing the proposed project was jointly provided by Superintendent/President Raúl Rodríguez, Assistant Superintendent/Vice President Della Condon, Vice President of Business Services W. Andrew Dunn, Director of Facilities Planning & Management Maria Baker, Tim Haley of Carter Burgess, Carlene Nolan Pederson of Carter Burgess, Bond Program Manager Bob Bush, and Bond Administrative Services Manager Ed Heffernan. Specific topics of discussion included, but were not limited to, district planning goals, campus programs, evolution of the plan, current conceptual plan, town centers, entries and gateways, pathways, main campus roadway edges, building types, conceptual sketches, and campus development.

In response to Council Member Hitchcock, Dr. Rodríguez and Mr. Dunn stated the 43% increase in figures is likely due to using a conservative estimate, construction costs for labor and supplies, general inflation and cost of living, economy, and Hurricane Katrina.

In response to Council Member Hansen, Dr. Rodriguez stated other districts that passed their bonds before or at the same time as Delta College are just now starting projects and a second round of bonds was consistently passed through many of the districts in the state.

In response to Mayor Pro Tempore Mounce, Dr. Rodriguez stated he will provide the specific percentage numbers of the contingency that was built in at a later date.

In response to Council Member Hansen, Dr. Condon stated the middle college curriculum program incorporates community involvement and, with the Lodi Unified School District partnership, is a very successful program.

In response to Council Member Hitchcock, Mr. Haley described the various color schemes shown on the plans, including the rivers, plains, college zone, discussion, commercial, residential, and wetlands.

In response to Council Member Hitchcock, Mr. Haley stated the benefits of shared costs include roads and utilities and he does not have details about housing at the current time.

Discussion ensued between Council Member Hitchcock and Mr. Krueger regarding the particulars of the development agreement, which will be incorporated at later date.

In response to Mayor Pro Tempore Mounce, Community Development Director Hatch stated the City has three out of four General Plan amendments left for the current calendar year. He stated the decision to proceed with the project or await the General Plan amendment is a policy question, but he has seen similar projects with unique opportunities proceed regardless of amendments.

Mayor Pro Tempore Mounce requested a copy of the list of individuals in the community that were contacted about the project.

Discussion ensued between Mayor Johnson, Council Member Hitchcock, and Mayor Pro Tempore Mounce regarding the specific matter that is before the Council currently and the need for two Council Members to work with the City Manager on the development agreement.

In response to Council Member Hitchcock, Ms. Pederson stated the academic village will be owned by the campus and provide a hands-on experience for students.

In response to Mayor Pro Tempore Mounce, Ms. Pederson stated the restaurant may be similar to the one available at the Delta College campus in Stockton.

In response to Mayor Pro Tempore Mounce, Ms. Pederson stated the square in the center not owned by the campus will likely remain residential.

In response to Mayor Pro Tempore Mounce, Ms. Pederson stated housing options, including options for seniors, are still being reviewed.

President Serna provided general closing comments and encouraged continued Council support with the project.

In response to Council Member Hitchcock, Dr. Rodriguez stated they plan to purchase the property in December 2008, if not earlier, consolidate currently offered classes, start with portables in 2010, and get in line for state funding for the permanent building and infrastructure for the academic village shortly thereafter. He stated there are no commitments to timelines as of yet.

In response to Council Member Hitchcock, Dr. Rodriguez stated there are no agreements in place with developers at this time.

In response to Mayor Pro Tempore Mounce, Dr. Rodriguez stated the former Blue Shield site was cost prohibitive due to remodeling needs.

PUBLIC COMMENTS:

- Pat Patrick, Executive Director of the Chamber of Commerce, spoke in favor of the proposed project, stating the project will be beneficial because of higher education, jobs, and business opportunities.

Council Member Hitchcock expressed an interest in assisting the City Manager with the development agreement.

MOTION / VOTE:

The City Council, on motion of Mayor Pro Tempore Mounce, Johnson second, unanimously designated Mayor Johnson and Council Member Hansen to assist the City Manager with negotiation of a Development Agreement.

RECESS

At 9:37 p.m., Mayor Johnson called for a recess, and the City Council meeting reconvened at 9:42 p.m.

K. REGULAR CALENDAR (Continued)

K-2 "Consideration of the Status of the Animal Shelter Task Force"

Deputy City Manager Krueger provided a brief overview of the status of the Animal Shelter Task Force.

Linda Castelanelli, a current Task Force member, stated the overall goal was to make Lodi a "no kill" city and was in favor of the formation of a more permanent body.

Mayor Pro Tempore Mounce stated she was in support of setting up a commission similar to the Parks and Recreation Commission.

Council Member Hansen thanked the current members for their service.

Council Member Hitchcock stated she was concerned with the permanent nature of the group through a commission and suggested a committee may be more appropriate.

MOTION / VOTE:

The City Council, on motion of Mayor Pro Tempore Mounce, Johnson second, directed staff to return to Council with appropriate action to dissolve the Animal Shelter Task Force and create the Lodi Animal Shelter Advisory Commission to include information pertaining to membership, terms, meetings, purpose, etc. The motion carried by the following vote:

Ayes: Council Members – Hansen, Katzakian, Mounce, and Mayor Johnson

Noes: Council Members – Hitchcock

Absent: Council Members – None

K-3 "Approve Expenses Incurred by Outside Counsel/Consultants Relative to the Environmental Abatement Program Litigation and Various Other Cases Being Handled by Outside Counsel (\$254,563.27)"

MOTION / VOTE:

The City Council, on motion of Mayor Pro Tempore Mounce, Johnson second, unanimously approved the expenses incurred by outside counsel/consultants relative to the Environmental Abatement Program litigation and various other cases being handled by outside counsel in the amount of \$254,563.27, as detailed below:

Folger Levin & Kahn - Invoices Distribution

Matter No.	Invoice No.	Date	Description	Water Account Amount
8002	101577	3/31/2007	People v. M&P Investments	\$ 41,453.42
			City Attorney Adjustment	-1,500.00
8003	101584	3/31/2007	Hartford Insurance Coverage Litigation	\$175,917.90
			Contingency Fee Amount Savings	-125,917.90
8008	101578	3/31/2007	City of Lodi v. Envision Law Group	\$ 78,008.47
			City Attorney Adjustment	-1,000.00
	6675	1/31/2007	West Environmental (Peter Krasnoff)	\$ 24,942.01
	6760	2/28/2007	West Environmental (Peter Krasnoff)	\$ 3,792.50
		4/16/2007	Perry L. McCarty, Expert	\$ 450.00
	6908	3/31/2007	West Environmental (Peter Krasnoff)	\$ 14,245.01
	14778	4/29/2007	PES Environmental (Keith Obrien)	\$ 19,716.39
Total				\$230,107.80

Kronick Moskovitz Tiedemann & Girard - Invoices Distribution

Matter No.	Invoice No.	Date	Description	100351.7323
1211.182				
11233.001	232393	04/25/2007	General Advice	\$ 599.76
11233.026	232393		Lodi First v. City of Lodi	\$ 1,666.60
11233.027	232393		Citizens for Open	\$ 133.50
			Government v. City of Lodi	
11233.029	232393		AT&T v. City of Lodi	\$ 4,934.86
11233.032	232393		CFD Formation	\$ 1,945.93
Total				\$ 7,334.72 \$ 1,945.93

MISCELLANEOUS

Invoice No.	Date	Description	Water Account Amount
06-373888-LDK	9/06-4/07	ADR Services, Inc. (Hartford v. COL)	\$ 2,553.13
325946	1/17/2007	Barkley Court Reporters	\$ 843.31
870701	4/12/2007	Harry A. Cannon, Inc.	\$ 1,149.27
68051ESF	1/22/2007	Esquire Deposition Services	\$ 821.30
20062587	3/30/2007	Legalink, Inc.	\$ 367.00
20063722	4/17/2007	Legalink, Inc.	\$ 679.00
20063740	4/18/2007	Legalink, Inc.	\$ 688.50
20063754	4/27/2007	Legalink, Inc.	\$ 880.00
20064380	4/26/2007	Legalink, Inc.	\$ 849.50
20064371	4/27/2007	Legalink, Inc.	\$ 474.00
07SF50959	5/09/2007	Document Services Unlimited	\$ 369.81
Total			\$ 9,674.82

JAMS Mediation Services

			Water Account
0001278713-110	3/30/2007	People v. M&P Investments	\$ 5,500.00
Total			\$ 5,500.00

K-4 "Consideration of Proposal Regarding San Joaquin Regional Dive and Recovery Team upon Request by Mayor Pro Tempore Mounce"

Mayor Pro Tempore Mounce stated she requested the item be agendized because she feels it is a worthy effort for the City's support.

Gene Davenport provided an overview of the proposal regarding forming a Countywide dive and recovery team (DART) similar to that in Sacramento through an all volunteer force with County funding for the first year.

In response to Mayor Pro Tempore Mounce, Mr. Davenport stated Stockton would like to participate, but it has not done so officially at this time. He also stated the Stockton Port has donated dock space, but it is still in need of funding and endorsements to get the project up and running.

In response to Council Member Hansen, Mr. Davenport stated the Sheriff's office does have a dive team, but it is not permitted to go beyond 20 feet. Mr. Davenport stated the County has expressed support, but it has not officially contributed funds at this time.

In response to Council Member Hansen, City Attorney Schwabauer stated there should be no legal issues if the contribution is made to the Sheriff's Foundation, a 501(c)3 organization, as indicated by Mr. Davenport.

In response to Council Member Hitchcock, Mr. Davenport stated that if a call was to go out for a recovery exceeding the 20 feet, Sacramento County DART would likely be called currently.

In response to Council Member Katzakian, Mr. Davenport stated Sacramento DART has been in place for over 20 years and is self-funded.

Mayor Johnson stated he is concerned with the cost to cities and the County for backfilling positions and would like to see a marriage of this type of service with agencies who already provide similar services.

MOTION / VOTE:

The City Council, on motion of Council Member Hansen, Mounce second, authorized expenditure of \$500 toward DART, contingent upon the County providing financial support for the project first and receipt of an accounting of the funds. The motion carried by the following vote:

Ayes: Council Members – Hansen, Hitchcock, Katzakian, and Mounce

Noes: Council Members – Mayor Johnson

Absent: Council Members – None

- K-5 "Request from San Joaquin Partnership, the Business Council, and University of Pacific for Financial Support to Establish an "Angel Capital Fund," Suggested Contribution of \$10,000"

Mayor Johnson provided a general overview of the item.

Council Member Hitchcock stated she cannot support the matter because she does not believe the City will benefit from high-risk venture capitalism.

In response to Council Member Katzakian, Mr. Krueger stated the money in these types of investments is usually paid back.

In response to Mayor Pro Tempore Mounce, Mr. Krueger stated Community Development Block Grant funding is targeted toward expansion and key applicants, which is different from seed money being used in a venture capital approach. Mayor Pro Tempore Mounce stated she may be able to support the item for \$5,000, but not for \$10,000.

City Attorney Schwabauer stated he would like to make it clear that the City has no expectation of receiving this money back as it would be a contribution to the San Joaquin Partnership to assist it with its creation of the infrastructure for the program.

In response to Mayor Pro Tempore Mounce, Mr. Krueger stated the money is not budgeted for, but they could likely find funding for the contribution if the Council supported the same.

MOTION / VOTE:

The City Council, on motion of Council Member Hansen, Katzakian second, authorized the expenditure of \$10,000 as financial support to establish the Angel Capital Fund. The motion carried by the following vote:

Ayes: Council Members – Hansen, Katzakian, and Mayor Johnson

Noes: Council Members – Hitchcock and Mounce

Absent: Council Members – None

L. ORDINANCES

- L-1 Following reading of the title of Ordinance No. 1798 entitled, "An Ordinance of the Lodi City Council Amending Chapter 13.20, 'Electrical Service,' by Repealing and Reenacting Section 13.20.210, Schedule EM, Relating to Mobile Home Park Service Rates," having been introduced at a regular meeting of the Lodi City Council held May 16, 2007, the City Council, on motion of Council Member Hitchcock, Hansen second, waived reading of the ordinance in full and adopted and ordered it to print by the following vote:

Ayes: Council Members – Hansen, Hitchcock, Katzakian, Mounce, and
Mayor Johnson

Noes: Council Members – None

Absent: Council Members – None

Abstain: Council Members – None

- L-2 Following reading of the title of Ordinance No. 1799 entitled, "An Ordinance of the Lodi City Council Amending Lodi Municipal Code Chapter 13.20, 'Electrical Service,' by Repealing Section 13.20.175, Schedule MCA – Market Cost Adjustment, and Enacting New Section 13.20.175, Schedule ECA – Energy Cost Adjustment," having been introduced at a regular meeting of the Lodi City Council held May 16, 2007, the City Council, on motion of Council Member Hitchcock, Hansen second, waived reading of the ordinance in full and adopted and ordered it to print by the following vote:

Ayes: Council Members – Hansen, Hitchcock, Katzakian, and Mayor Johnson

Noes: Council Members – Mounce

Absent: Council Members – None

Abstain: Council Members – None

M. ADJOURNMENT

There being no further business to come before the City Council, the meeting was adjourned at 10:42 p.m.

ATTEST:

Randi Johl
City Clerk